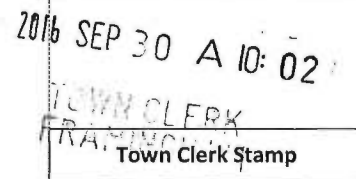


## Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



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### Planning Board Members

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaela Morais-Peroba, Community Outreach Coordinator

## TOWN OF FRAMINGHAM - PLANNING BOARD

### Notice of Decision

on the Application of Jack's Abby Brewing  
for the Properties Located at 100-102 Clinton Street  
Decision dated September 29, 2016

On August 24, 2016, Jack's Abby Brewing, filed with the Planning Board, and on August 24, 2016, the Planning Board filed with the Town Clerk, Modification to an Approved Site Plan and Special Permit Decision dated January 22, 2015, Special Permit for Use, Special Permit for Off-street Parking Dimensional Relief, and Special Permit for the use of tandem off-street parking spaces for the renovations to an existing portion of the building for additional manufacturing and storage space for the brewery and to add a tasting room. The project will also include the reconfiguration of the existing off-street parking lot and associate site improvements. The property is located at 100-102 Clinton Street, zoned as General Manufacturing (M), and Framingham Assessor's Map 128, Block, 07, Lots 2297, 3301, 3325, and 4180, and Map 128, Block 96, Lot 9947.

After the notice of the public hearing was published in "The MetroWest Daily News" on August 25, 2016 and September 1, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on September 8, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on September 14, September 22, and September 29, 2016.

On September 29, 2016 the Planning Board **APPROVED** the applications Modification to an Approved Site Plan and Special Permit Decision dated January 22, 2015, Special Permit for Use, Special Permit for Off-street Parking Dimensional Relief, and Special Permit for the use of tandem off-street parking spaces for the property located at 100-102 Clinton Street and a **DECISION** was filed in the office of the Town Clerk on September 30, 2016.

*Christine Long, Chair*  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

**Framingham Planning Board**

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2016 SEP 30 A 10:02

TOWN CLERK  
FRAMINGHAM

Town Clerk Stamp

**Planning Board Members**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaella Moraes-Peroba, Community Outreach Coordinator

## **TOWN OF FRAMINGHAM - PLANNING BOARD**

### **Notice of Decision on the Application of Jack's Abby Brewing for the Properties Located at 100-102 Clinton Street Decision dated September 29, 2016**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications Jack's Abby Brewing for , Modification to an Approved Site Plan and Special Permit Decision dated January 22, 2015, Special Permit for Use, Special Permit for Off-street Parking Dimensional Relief, and Special Permit for the use of tandem off-street parking spaces for the renovations to an existing portion of the building for additional manufacturing and storage space for the brewery and to add a tasting room. The project will also include the reconfiguration of the existing off-street parking lot and associate site improvements. The property is located at 100-102 Clinton Street. The opening public hearing was held on September 8, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on August 25, 2016 and September 1, 2016. Continued public hearings were held on September 14, September 22, and September 29, 2016. The Planning Board APPROVED said applications on September 29, 2016 and the decision was filed in the Office of the Town Clerk on September 30, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

***Christine Long, Chair***  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

## Framingham Planning Board

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### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD  
ON THE APPLICATION OF JACK'S ABBY BREWING  
FOR THE PROPERTIES LOCATED AT 100-102 CLINTON STREET  
DECISION DATED SEPTEMBER 29, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)  
FRAMINGHAM ZONING BY-LAW

2016 SEP 30 A 10:00  
TOWN CLERK  
FRAMINGHAM

### General Property Information

Project Number: PB-031-16

Property Address: 100-102 Clinton Street

Assessor's Information: Map 128, Block 07, Lots 2297, 3301, 3325, 4180; and Map 128, Block 96, Lot 9947

Zoning District: General Manufacturing (M)

### Application Information

Application(s): Minor Modification to an Approved Site Plan (Minor Engineering Change) and Minor Modification to an Approved Site Plan (Insignificant Plan Change) dated January 22, 2015; Modification to a Special Permit dated January 22, 2015; Special Permit for Use; Special Permit for a Reduction in the Required Number of Off-street Parking Spaces; Special Permit for Tandem Off-street Parking Spaces; and Special Permit for Off-street Parking Dimensional Relief

Sections of the Framingham Zoning By-Law under review: Site Plan Review (Section VI.F); Special Permit (Section VI.E); Special Permit for Use (Section II.B), Special Permit for a Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1); Special Permit for Tandem Off-street Parking Spaces (Section IV.B.2.d); Special Permit for Off-street Parking Dimensional Relief (Section

Date application(s) were filed with the Planning Board: August 24, 2016

Date application(s) were filed with the Town Clerk: August 24, 2016

### General Project Contact Information

Applicant Name: Jack's Abby Brewing

Applicant Address: 100 Clinton Street, Framingham, MA 01702

Landowner Name: Clinton 100 CPI, LLC

Landowner Address: 43 Broad Street, Hudson, MA 01749

Project Contact Name: Brian Nelson, MetroWest Engineering, Inc

Engineer Company: MetroWest Engineering, Inc.

### Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) August 25, 2016 and (7 days prior) September 1, 2016

Date of abutter/7 Abutting municipalities/parties of interest mailing: August 24, 2016

Date of opening public hearing: September 8, 2016

Date(s) of continued public hearings: September 14, 2016, September 22, 2016, and September 29, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Brian Nelson, MetroWest Engineering, Inc.; Jack Hendler, Sam Hendler, and Eric Hendler, Jack's Abby Brewing

## **Framingham Planning Board**

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### **Planning Board Members:**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### **DECISION OF THE FRAMINGHAM PLANNING BOARD ON THE APPLICATION OF JACK'S ABBY BREWING FOR THE PROPERTIES LOCATED AT 100-102 CLINTON STREET DECISION DATED SEPTEMBER 29, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)  
FRAMINGHAM ZONING BY-LAW

### **General Property Information**

Project Number: PB-031-16

Property Address: 100-102 Clinton Street

Assessor's Information: Map 128, Block 07, Lots 2297, 3301, 3325, 4180; and Map 128, Block 96, Lot 9947

Zoning District: General Manufacturing (M)

### **Application Information**

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Date application(s) were filed with the Planning Board: August 24, 2016

Date application(s) were filed with the Town Clerk: August 24, 2016

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Applicant Name: Jack's Abby Brewing

Applicant Address: 100 Clinton Street, Framingham, MA 01702

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Landowner Address: 43 Broad Street, Hudson, MA 01749

Project Contact Name: Brian Nelson, MetroWest Engineering, Inc

Engineer Company: MetroWest Engineering, Inc.

### **Legal Ad & Public Hearing Information**

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) August 25, 2016 and (7 days prior) September 1, 2016

Date of abutter/7 Abutting municipalities/parties of interest mailing: August 24, 2016

Date of opening public hearing: September 8, 2016

Date(s) of continued public hearings: September 14, 2016, September 22, 2016, and September 29, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Brian Nelson, MetroWest Engineering, Inc.; Jack Hendler, Sam Hendler, and Eric Hendler, Jack's Abby Brewing

Planning Board members in attendance at the public hearing(s): Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk (absent on September 29, 2016); Thomas Mahoney; and Stephanie Mercandetti (absent on September 14, 2016, the Mullin Rule was filed with the Town Clerk on September 29, 2016).

#### **TECHNICAL REVIEW TEAM MEETING**

On August 31, 2016, the Technical Review Team (TRT) reviewed the project at 100-102 Clinton Street.

Technical Review Team Members Present: Amanda Loomis, Planning Board; Eric Johnson, Department of Public Works; Chris Canney, Department of Inspectional Services (Building Department); Joseph Mazzola, Fire Department; Will Naser, Assessors Department; Mike Correia, Assessors Department; Robert McArthur, Conservation Commission; Carol Bois, Board of Health; Michael Blanchard, Board of Health; Sam Scoppettone, Community and Economic Development; Marianne Iarossi, Community and Economic Development; and Raphaela Morais-Peroba, Planning Board

Present for the Applicant: Brian Nelson, MetroWest Engineering, Inc; Eric Hendler, Sam Hendler, and Jack Hendler, Jack's Abby Brewing

#### **PLANNING BOARD APPROVAL INFORMATION**

Date of Plan reviewed and approved by the Planning Board: July 26, 2016, revised August 26, 2016 and September 15, 2016.

#### **PROJECT DESCRIPTION**

The Project at 100-102 Clinton Street, presented by Jack's Abby Brewing includes the redevelopment of a vacant building, which is attached to the current Jack's Abby Brewing facility at 100 Clinton Street. The redevelopment and reuse of 102 Clinton Street shall serve as additional manufacturing and storage space for the brewery, a tasting room. Some of the existing storage and manufacturing on 100 Clinton Street will be moved to 102 Clinton Street, and function hall will be added to 100 Clinton Street at a later date. Furthermore, the project will include reconfiguration of the existing off-street parking lot and associate site improvements. The Project is located in the General Manufacturing (M) Zoning District.

On January 22, 2015, Jacks Abby Brewing was granted Site Plan Review and Special Permits for Use for a portion of the facility to be used as a taproom/restaurant, a Special Permit for a Reduction in the Required Number of Parking Spaces, and a Special Permit for Dimensional Relief to Off-Street Parking Spaces for the properties locate at 100 Clinton and 48 Grant Street. Jack's Abby Brewing has been in operations for well over a year at the 100 Clinton Street location, and was previously located on Morton Street before moving to Clinton Street.

#### **HEARING**

The Framingham Planning Board held a total of four public hearings (September 8 (continued without testimony), September 14, September 22 (continued without testimony), and September 29, 2016). Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk (absent on September 29, 2016); Thomas Mahoney; and Stephanie Mercandetti (absent on September 14, 2016 and filed the Mullin Rule with the Town Clerk on September 29, 2016).

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Brian Nelson, MetroWest Engineering, Inc; Jack Hendler, Same Hendler, and Eric Hendler, Jack's Abby Brewing.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public who provided input during the review of the Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

#### Summary of Minutes

Mr. Nelson provided a brief presentation to the Planning Board, highlighting the expansion of the existing business, the proposed additional uses, the request for a reduction in the required number of off-street parking spaces, the request for dimensional relief, and the proposed locations of off-street parking and request for the reduction in the required number of off-street parking spaces.

The Planning Board made the following comments:

- Victor Ortiz questioned the applicant about the request for the reduction in off-street parking spaces relative to the proposed function hall. Mr. Ortiz stated his concern regarding the reduction of off-street parking spaces and the 75 seat function room.
- Thomas Mahoney questioned if the Fire Department had reviewed the project and if they had any concerns regarding circulation.
- Lewis Colten questioned if the applicant could close one of the curb cuts and create additional off-street parking spaces to decrease the need for a reduction in off-street parking. Mr. Nelson provided an explanation as to why the closure of the curb cut would not yield the desired increase in off-street parking spaces. Mr. Colten further requested clarification regarding the location of the loading bays and trash dumpsters. Mr. Nelson responded to Mr. Colten's questions regarding loading bays and the trash dumpsters. Mr. Colten questioned the location of the snow storage. Mr. Nelson pointed out the location of the proposed snow storage areas. Mr. Colten requested clarification of the light levels. Mr. Nelson provided an overview of the proposed lighting.
- Ms. Long requested clarification as to the location of the snow storage area and the capacity of snow storage on-site. Ms. Long suggested that the applicant store snow off-site. Mr. S. Hendler stated that snow could be removed from the site and stored on 71 Bishop Street. Ms. Long expanded upon Mr. Mahoney's questions about the 17' drive aisle raising concerns about large vehicles entering the site being unable to circulate the 17' drive aisle. Ms. Long further questioned if the applicant could create compact off-street parking spaces within this location. Ms. Long questioned the turnover of the operations of the site, and how the site would circulate.
- Mr. Ortiz questioned who was responsible for the snow plowing. The applicant stated that the owner of the property would be doing the snow plowing. Mr. Mahoney stated that the Decision should contain a condition that snow removal activities should not block off-street parking spaces. Ms. Long concurred with this requirement for snow removal activities.
- Ms. Long requested that the Applicant submit a written document providing arrangements for additional parking with the owner of 71 Bishop Street as part of the conditions of the decision.

## **FINDINGS**

Having reviewed the application, plans, and reports filed by the Applicant and its representatives; having considered the correspondence from the Department of Public Works, the Department of Inspectional Services (Building Department), the Fire Department, the Department of Community & Economic Development, and the Police Department within the Town of Framingham; and having considered testimony from members of the public, and having reviewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections II.B, IV.B, IV.E, VI.E, and VI.F , of the Framingham Zoning By-Law. Specifically, the Planning Board makes the following findings:

### **1. Section II.B - Use**

- 1.1 Jack's Abby Brewing currently operates its manufacturing and brew pub at 100 Clinton Street. On January 22, 2015, Jack's Abby Brewing was approved by the Planning Board for Site Plan Review and Special Permits for Use for a portion of the facility to be used as a taproom/restaurant, a Special Permit for a Reduction in the Required Number of Parking Spaces, and a Special Permit for Dimensional Relief to Off-Street Parking Spaces for the properties located at 100 Clinton Street and 48 Grant Street.
- 1.2 The Applicant proposes to expand its current facility into the 102 Clinton Street, which is a vacant building that is attached to 100 Clinton Street by a hallway. This expansion includes the renovation of 63,000sf. Of this space approximately 58,000sf will be utilized for manufacturing and office space, while approximately 5,000sf will be utilized for a 75 seat function hall and a 100 seat tasting room.
- 1.3 The function hall at 100 Clinton Street and the tasting room at 102 Clinton Street will require a change in use from the existing manufacturing use therefore requiring Planning Board review for a special permit and site plan review. The function hall and the tasting room will be accessory to the manufacturing use.
- 1.4 The property located at 100-102 Clinton Street is within close proximity to the Central Business (CB) zoning which encourages a mixture of use that will support and attract people to the downtown area of Framingham while providing additional jobs.
- 1.5 The tasting room will operate between the hours of 11:30am to 11:00pm daily with peak demand during the evening hours and weekends.
- 1.6 The function hall located at 100 Clinton Street and the tasting room located at 102 Clinton Street are located on the Bishop Street side of the property. The surrounding uses include an off-street parking structure to the south along Clinton Street, offices/commercial to the east along Bishop Street, and offices/off-street parking to the north along Clark Street.
- 1.7 Patrons visiting the function hall and tasting room will park within the off-street parking lot located within the eastern portion of the property and therefore should have limited impact to the residents to the west of the property on Grant Street.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the proposed use (function hall and tasting room) is consistent with and complies with the requirements of Section II.B. of the Framingham Zoning By-Law.

## **2. Section IV.B.1.a – Request for a Reduction in the Required Number of Off-street Parking Spaces of the January 22, 2015 Decision**

- 2.1 The Applicant applied for a modification to the Special Permit for a Reduction in the Required Number of Off-street Parking Spaces granted on January 22, 2015.
- 2.2 The Project as designed requires a total of 249 off-street parking spaces. The plans dated August 1, 2016 depict a total of 220 off-street parking spaces. Therefore, the Applicant requested a reduction of 29 off-street parking spaces.
- 2.3 The Applicant submitted revised site plans dated August 16, 2016, revised September 17, 2016 which shows a total of 249 off-street parking spaces. This revision includes a reconfiguration of the off-street parking lot to include 18 additional off-street parking spaces along the Clark Street side of the property located near the existing near the existing loading areas. In addition, to the existing 15 off-street parking spaces along the Clark Street side of the building, which have been utilized and formally constructed prior to the 2015 filing.
- 2.4 At the September 29, 2016 public hearing, the Planning Board concluded that the 15 off-street parking spaces along the northern side of 100 Clinton Street, that back out onto Clarks Street may not be counted towards the required number of off-street parking spaces. Therefore the Applicant requests a reduction of 15 off-street parking spaces as requested through the modification of the January 22, 2015 Planning Board Decision.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the request for a Special Permit for the Reduction in the Required Number of Off-street Parking Spaces is reduced to 15 off-street parking spaces. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Section IV.B.1.a of the Framingham Zoning By-Law regarding the number of required off-street parking spaces.

## **3. Section IV.B.2 – Dimensional Relief Off-street Parking**

- 3.1 The Applicant has designed the site to comply with Section IV.B.2.a with the exception of one area located in the most eastern corner of the property, where the drive aisle is drawn at 23.6'.
- 3.2 The Applicant is required under Section IV.B.5.a to provide one 3 1/2" caliper tree for every three off-street parking spaces in addition to one shade tree every five parking spaces. Therefore, the Applicant is required to provide 83 3 1/2" caliper trees and 50 shade trees according to the By-Law. However, the site Activity Use Limitation (AUL) imposed on the property limits the amount of ground work that can be conducted in addition to the constraints of the existing parking lot. Furthermore, the Applicant is not increasing the parking lot area but rather is only reconfiguring the site and restriping the parking area to create a more efficient use of the site.
- 3.3 The dimensions of the off-street parking stalls are all 9' x 18'.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the parking lot as designed with the requested modifications is consistent with relief granted for similar manufacturing sites. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Section IV.B.2. of the Framingham Zoning By-Law.

#### **4. Section IV.B.2.d – Tandem Parking Spaces**

- 4.1 Off-street parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space without the need for the movement of any other vehicle. The Planning Board by special permit may allow for the use of tandem off-street parking spaces for employee parking.
- 4.2 The Applicant proposes to construct 32 tandem off-street parking spaces (each space having the dimensions of 9'x18') adjacent to east side of 102 Clinton Street.
- 4.3 The Applicant shall post signage denoting employee parking only.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the request for the use of tandem off-street parking for employee use is permitted. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Section IV.B.2.d. of the Framingham Zoning By-Law.

#### **5. Section VI.E Special Permit**

- 5.1 The Project is consistent with the intent of the General Manufacturing (M) Zoning District, insofar as to produce, package, and sell products, while creating employment opportunities within the Town.
- 5.2 The Applicant has requested a modification to the January 22, 2015 special permit for a reduction in the required number of off-street parking spaces. The Applicant has demonstrated that the site complies with the required number of off-street parking space requirements.
- 5.3 The site complies with bicycle parking spaces located within the western corner of the site.
- 5.4 The building located at 100-102 Clinton Street is an existing building, with only façade improvements to the exterior. Therefore, the building does not currently pose a hazard to abutters, vehicles, and/or pedestrians. The Applicant has provided accessible sidewalks throughout the property for pedestrian safety.
- 5.5 The site does contain an Activity Use Limitation (AUL), which both the owner of the property and the Applicant are aware of and comply with the requirements of regarding working within/upon the property.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process and compliance with the January 22, 2015 Planning Board Decision. The Planning Board finds that the Project as proposed complies with the requirements of Section VI.E of the Framingham Zoning By-Law.

#### **6. Section VI.F –Site Plan Review**

- 4.1 The Department of Inspectional Services (Building Department) has determined that the project would require an amendment to the original Planning Board Decision dated January 22, 2015 for a Special Permit for Use and the Special Permit for the Reduction in the Required Number of Off-street Parking Spaces; and further to amend the original Site Plan Review Decision dated January 22, 2015. The Project further requires a Special Permit for the use of Tandem Off-street parking spaces and a Special Permit for Dimensional Off-street Parking Relief.
- 4.2 Retain Community Character
  - 4.2.1 The Applicant proposes to reuse the existing vacant portion of 102 Clinton Street for the expansion of Jack's Abby Brewing.

- 4.2.2 The Applicant and the owner of the property at 100-102 Clinton Street have invested in the renovations of the building façade, in addition to site improvements.
- 4.2.3 The Applicant the site remains both pedestrian and bicycle friendly, which is accessible via personal automobile, walking, and by bicycling.
- 4.3 Traffic, Parking, and Public Access
  - 4.3.1 The Applicant has requested a waiver from the Traffic Impact Assessment.
  - 4.3.2 The January 22, 2015 Planning Board Site Plan Review Decision was for Minor Site Plan Review, based on the recent recodification of the Framingham Zoning By-Law the Applicant is not required to submit Traffic Impact Reports for Minor Site Plan Review.
  - 4.3.3 The Applicant proposes to reconfigure the off-street parking lots located to the east and to the north of 100-102 Clinton Street. This reconfiguration will provide the requested 249 off-street parking spaces to be located on-site. The restriping will create all off-street parking spaces to meet the required 9'x18' dimensions. Furthermore, the drive aisles have been designed to meet the 24' minimum width requirement with the exception of the most eastern corner of the off-street parking lot which provides a drive aisle of 23.6'.
  - 4.3.4 The site is accessible from Bishop Street, Clark Street, and Grant Street for vehicular access. There will be no changes and/or alterations to the existing curb cuts.
- 4.4 Environmental Impact
  - 4.4.1 The Use does not expected to create any significant emission of noise, dust, fumes, noxious gases, radiation, water pollutants, or any other similar significant adverse environmental impact.
  - 4.4.2 The project does not pose any erosion and/or sedimentation to abutting streets or properties and will not increase the risk of flooding of abutting streets and properties.
  - 4.4.3 Rooftop and parking area stormwater is managed on-site through a stormwater management system. The project does create approximately 175sf of new impervious area as a result of the redevelopment of the off-street parking lot. This creation of the 175sf of new impervious area is for the installation of a new accessible ramp and sidewalk.
- 4.5 Health
  - 4.5.1 The Project is not expected to pose adverse air-quality, noise, glare, and/or odors.
  - 4.5.2 The Project does not intend to create a hazard to abutters, vehicles, and/or pedestrians.
  - 4.5.3 The Applicant shall dispose of any hazardous materials and/or transmissions of same in an appropriate manor.
- 4.6 Public Services and Utilities
  - 4.6.1 The development of 102 Clinton Street will be consistent with the requirements set forth by the existing use of 100 Clinton Street.
  - 4.6.2 It is expected that the site is serviced with adequate water supply, wastewater systems and solid waste disposal.
- 4.7 Land Use Planning
  - 4.7.1 The reuse of a former manufacturing site is consistent with the intent of the Master Land Use Plan. Furthermore, the addition of outdoor seating provided at 100 Clinton Street, the façade improvements, the pedestrian accessibility, and the installation of the bicycle racks all reinforce the efforts of the Master Land Use Plan.
  - 4.7.2 The Applicant complies with the Town's efforts and goals to be a connected, pedestrian friendly community by maintaining sidewalks and other pedestrian improvements to help establish a walkable neighborhood.
  - 4.7.3 Section VI.F.5.c.2) of the Framingham Zoning By-Law requires Applicants to maintain and enhance the landscaped area along the property boundary. Given that the application is only for 102 Clinton Street, this should include the addition street trees to equal one street tree every

20'-30' of frontage as required by the Zoning By-Law. If the Applicant cannot fit these street trees on-site that shall gift them to the Department of Public Works to be utilized within close proximity to the project.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the site plan and the proposed project is consistent and complies with the requirements of Section VI.F of the Framingham Zoning By-Law.

### **CONDITIONS OF APPROVAL**

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws that include a Approved Site Plan and Special Permit Decision dated January 22, 2015, Special Permit for Use, Special Permit for Off-street Parking Dimensional Relief, and Special Permit for the use of tandem off-street parking.

The conditions set forth in the January 22, 2015 shall be carried forward unless modified herein. Therefore, said approval from the Planning Board is subject to the following conditions:

#### **General Provisions**

10. The failure to comply with the By-laws and/or the terms of this Decision may result in revocation of the Modification to an Approved Site Plan and Special Permit Decision dated January 22, 2015, Special Permit for Use, Special Permit for Off-street Parking Dimensional Relief, and Special Permit for the use of tandem off-street parking spaces. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.
11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

#### **Infrastructure/Site Design/Landscaping**

- 12.a Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.

#### **Site Development**

32. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.

#### **Snow Storage**

- 18.a Snow storage shall not obstruct sight lines so as to preserve public safety.

- 18.b The Applicant and/or the owners agree(s) not to store snow at the entrance of the common driveway, nor will the snow be stored to create sheet flow during snow melt.
- 18.c In accordance with the letter from Calare Properties received on September 23, 2016, prior to the development of 71 Bishop Street (also owned by CPI 100 Clinton Street, LLC). 100-102 Clinton Street shall remove snow from their site off-site to 71 Bishop Street in the event that snow removal on site does not provide the required parking.
- 18.d Snow storage may not be permitted on within off-street parking spaces on 100-102 Clinton Street.

**Framingham Department Review**

- 19.a The Applicant shall comply with all directives requested in the correspondence from the Department of Public Works dated September 26, 2016.
- 33. The Applicant shall comply with all the directives requested in the correspondence from the Framingham Fire Department dated September 1, 2016.

**Special Provisions/Periodic Conformance Reporting and Review**

- 34. The Applicant shall provide the following performance guarantees for the Project.
  - a. Prior to the issuance of any final use and occupancy permit, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including landscaping, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements.
  - b. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
- 35. The Applicant shall provide 10 street trees (size as required by the By-Law for the Project) along the frontage of the property, if the street trees cannot be located on site, then the Applicant will gift the un-located trees to the Department of Public Works, for the Town to install within close proximity of the area to provide streetscape improvements within the immediate area.
- 36. The Applicant shall post "employee parking only" signs within the tandem off-street parking area.
- 37. The Applicant shall submit a final lighting plan for Planning Board approval prior to the issuance of a use and occupancy permit in accordance with the letter from MetroWest Engineering dated September 20, 2016.

## **WAIVER REQUESTS**

The Applicant has requested waivers from the following submittal items:

- Section VI.F.4.a.1 a written statement outlining the estimated time required to complete the proposed project, expected start of construction and all phases thereof. The project is expected to be completed within three to four months of Site Plan Approval.
- Section VI.F.4.a.3 – Drainage calculations prepared by a professional engineer registered in the Commonwealth of Massachusetts. Storm drainage design must conform to the requirements set forth by the MassDEP Stormwater Management Standards and Department of Public Works, using Best Management Practices. Furthermore, the report may include Town, state, and federal requirements or established standards for implementing best management practices for stormwater management.
- Section VI.F.4.a.4 – A written summary containing the Urban Design Objectives Narrative which provides a description of how the project will be designed to encourage complete streets including transit access and pedestrian and bicycle amenities, and their potential connections to the Town's bicycle and pedestrian system.
- Section VI.F.4.a.5 – A written summary which outlines proposed best management practices, low impact development (LID) features, and energy efficiency features utilized on-site.
- Section VI.F.4.a.8 - A written report of any proposed blasting or soil compaction activities that will take place during construction activities. The report shall include methods of abutter notification, methods for testing and data collection, and a summary of how real property damage will be investigated.

## **Waiver Motions and Votes**

The Planning Board voted four in favor, zero opposed, and zero in abstention to allow the requested relief from Sections VI.F.4.a.1, VI.F.4.a.3, VI.F.4.a.4, VI.F.4.a.5, and VI.F.4.a.8 of the Framingham Zoning By-Law for the Jack's Abby Brewing applications for the project located at 100-102 Clinton Street.

### **Waiver Requests from Section VI.F.4.a.1, VI.F.4.a.3, VI.F.4.a.4, VI.F.4.a.5, and VI.F.4.a.8 of the Framingham Zoning By-Law**

Christine Long.....yes  
Lewis Colten.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

## **VOTES**

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant an approval with conditions for the modification of the approved Site Plan Review Decision dated January 22, 2015 for the Jack's Abby Brewing application for the redevelopment and use of the vacant portion of 100-102 Clinton Street.

### **Modification to the Approved Site Plan Review Decision dated January 22, 2015**

Christine Long.....yes  
Lewis Colten.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant an approval with conditions for the modification of the approved Modification to the Special Permits for Use, Reduction in the Required Number of Off-street Parking Spaces, and Dimensional Relief Decision dated January 22, 2015 for the Jack's Abby Brewing application for the redevelopment and use of the vacant portion of 100-102 Clinton Street.

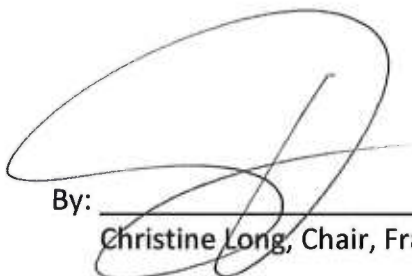
**Modification to the Special Permits for Use, Reduction in the Required Number of Off-street Parking Spaces, and Dimensional Relief Decision dated January 22, 2015**

Christine Long.....yes  
Lewis Colten.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant an approval for the Special Permit Use, Tandem Off-street Parking Spaces, and Off-street Parking Dimensional Relief for the reconfiguration of the off-street parking lot located at 100-102 Clinton Street.

**Special Permits for Section II.B – Use. Section IV.B.2.d – Tandem Parking Spaces, and Section IV.B.2 – Dimensional Relief Off-street Parking**

Christine Long.....yes  
Lewis Colten.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes



By: \_\_\_\_\_  
Christine Long, Chair, Framingham Planning Board  
Date of Signature: September 29, 2016

## EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. FORM A – Application Cover Letter, Property Address: 100-102 Clinton Street, stamped with the Town Clerk on August 24, 2016
2. FORM G – Request for Modification Application, Property Address: 100-102 Clinton Street, stamped with the Town Clerk on August 24, 2016
3. FORM L – Special Permit Application, Property Address: 100-102 Clinton Street, stamped with the Town Clerk on August 24, 2016
4. Letter from MetroWest Engineering, Inc. RE: Waiver Requests, Site Plan Review and Special Permit Modification, Jack's Abby Brewing, 100-102 Clinton Street, Framingham, MA, dated August 22, 2016, stamped with the Town Clerk on August 24, 2016
5. Narrative and Development Impact Statement for Jack's Abby Brewing
6. Site Plans for Jack's Abby Brewing, 100-102 Clinton Street, prepared for Jack's Abby Brewing, prepared by MetroWest Engineering, dated August 16, 2016, revised on September 17, 2016
7. Letter from CALARE Properties, received on September 23, 2016
8. Letter from MetroWest Engineering, Inc., RE: Proposed Site Plans for Site Plan Review Application, Jack's Abby Brewing – 100-102 Clinton Street, Framingham, MA, dated September 20, 2016, received September 19, 2016

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for the Property located at 100-102 Clinton Street, stamped with the Town Clerk on August 24, 2016
2. Correspondence received via ACCELA from the Police Department, received August 26, 2016
3. Correspondence received via ACCELA from the Building Department, received September 20, 2016
4. Correspondence received via ACCELA from the Fire Department, received September 1, 2016
5. Correspondence received via ACCELA from the Fire Department, received September 27, 2016
6. Letter of comment from the Department of Public Works, RE: Proposed Jack's Abby Brewery Expansion – 100-102 Clinton Street, Framingham, dated September 26, 2016
7. Technical Review Team Meeting Sign-in Sheet for 100 Clinton Street, dated August 31, 2016
8. Legal Ad for the project at 100-102 Clinton Street, stamped with the Town Clerk on August 24, 2016, run in the MetroWest Daily Newspaper on August 25, 2016 and September 1, 2016